

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NY

\_\_\_\_\_  
MARTIN L. COHEN, pro se,  
*Plaintiff,*

Index No. 1:23-cv-224  
(AMN / CFH)

-v-

RUSSELL RICHARDSON, & DAVID  
PERRY, in their official capacities as  
federal agents, and other federal agents,  
*Defendants,*  
and

**FIRST AMENDED  
COMPLAINT**

GENEVA CUSHMAN, CARLA DIMARCO,  
MICHAEL JOHNSON, BRIAN QUAIL,  
TODD VALENTINE, & ROBERT BREHN  
in their various capacities as members of the  
New York State Board of Elections,  
*Defendants,*

and  
ANTHEM INSURANCE COMPAY, INC.  
doing business as  
EMPIRE BLUE CROSS / BLUE SHIELD,  
*Defendants.*

\_\_\_\_\_  
X REQUEST FOR A JURY TRIAL

**THE PARTIES**

*The Plaintiff*

1. Prof. Martin Cohen is a life-long resident of New York State. As a life-long resident, Prof. Cohen has voted in all, or nearly all, state and federal elections since he attained age eligibility. He is now 70 years old. He maintains that the ballots currently being created by the State Board of Elections (the "SBE") deprives him of effectively participating in the state's elective franchise for the election of state court judges.

[ Note: Prof. Cohen is a trained accountant with both MBA (in taxation) and JD degrees (with a focus on business).

Prof. Cohen has also been engaged in doctoral research at a major New York University in Organizational Studies.



He has been employed with a Big 4 accounting & consulting firm, as well as a major global financial institution. He is presently a former faculty member at the City of New York at Queens College in the Department of Accounting & Information Systems. He also maintains a private business consultancy practice.]

*Defendants For the New York State Board of Elections (the "SBE")*

2. Ms. Geneva Cushman is a Senior Investigator with the Division of Enforcement.
3. Ms. Carla DiMarco is Associate Counsel with the Division of Enforcement.
4. Mr. Michael Johnson is Chief Enforcement Counsel.
5. Todd Valentine is a Co-Executive Director of the SBE.
6. Randolph Brehm is a Co-Executive Director of the SBE.
7. Brian Quail is SBE General Counsel.

*Defendants For the United States*

8. Mr. Russell Richardson is a Special Agent with the US Internal Revenue Service, or recently retired. Mr. Richardson is an accountant with many years of service with the IRS. He was directly involved with the IRS Troubled Asset Relief Program (TARP) which enabled the government to seize private properties, and then resell them to other private parties, including individuals, lawyers, investors, and banks.
9. Mr. David Perry is a Supervising Special Agent with the US Internal Revenue Service. His specialty is overseeing government surveillance programs, and the Special Agents that utilize the various surveillance technologies. His focus is the use of surveillance technology, and supervises the use and transfer of information collected during clandestine investigations to other federal agents and government informants.



*Other Defendants*

10. Anthem Insurance Co. d/b/a Empire Insurance Company is a New York licensed health insurance carrier which covers the plaintiff through the federally-sponsored Medicare Advantage Program, “Mediblu Plus” (HMO).

**JURISDICTION**

11. The Fourteenth Amendment to the US Constitution with respect to state officials working for the SBE. State employees are subject to the due process clause of the US Constitution.

12. The Fifth Amendment to the US Constitution subjects federal employees to the due process requirements of the US Constitution. With respect to Mr. Richardson and Mr. Perry, in their roles as federal agents, this lawsuit does not seek monetary damages. However, Courts are authorized, and have jurisdiction to restrain federal agents from acting in manner that is inconsistent or contrary to an act of the US Congress or the US Constitution. Additionally, the federal courts may find acts of misconduct by federal agents and refer them to the Inspector General for Tax Administration or the Professional Conduct Office in the US Department of Justice.

13. Federal Courts also have jurisdiction over the proper authorization, distribution and use of federal funds authorized by the US Congress. The SBE has accepted such federal funds under the *Help America Vote Act*. These funds are designated to improve voting conditions for American voters residing in New York State.

14. There is ample legal precedent for commencing an action against the SBE in the federal district court. [ See *NYS Board of Elections v. Torres*, 552 US 196 (2008), *US v. NYS Board of*



*Elections*, 312 F. App'x 353 (2nd Cir. 2008), and *Persons v. NYS Board of Elections*, 467 F3d 141(2nd Cir. 2006)]

15. Anthem Insurance Co., d/b/a Empire Insurance Company is a corporation that sells health insurance in New York.

### **DEFINITIONS**

16. The definition of the word “*voting*” is defined by Webster’s Dictionary:

“ To express one’s views in response to a poll; *esp*: to exercise a political franchise ”

### **A SIMPLE ANALOGY AS AN AID TO UNDERSTANDING**

17. Schools and colleges everywhere take attendance of those students that show up for class.

However, this is not class participation. Students must raise their hands and express their opinion or answer a question for class participation credit by the instructor. The same is true of voters.

Showing up at the polls on election night is merely attendance. If voters are unable or cannot express their opinions or answer questions, then they cannot participate. They are not voting.

Voting requires a choice of candidates.



## OVERVIEW OF THE CASE

### 18. NEW YORK STATE HAS A UNIQUE WAY OF SELECTING STATE COURT JUDGES.

This way includes a feature known as fusion voting, or cross-endorsements. Only eight states allow fusion voting. New York is the only state which allows this method of selecting state court judges. Fusion voting is highly controversial and is criticized by many in that fusion voting promotes incompetent judges, and even corruption, among other things. The US Supreme Court has upheld the fact that in New York, state judicial elections are lawfully predetermined at political conventions by party bosses, so this is not the main issue in this case. [See *Timmons v. Twin Cities Area New Party*, 520 US 351(1997)]

### 19. THE STATE BOARD OF ELECTIONS UTILIZES FUSION VOTING IN A WAY THAT NULLIFIES VOTER CHOICE AND ACTUALLY ENCOURAGES CORRUPTION.

In the past, fusion voting was organized so that minor parties would align with one of the major parties, but the two major parties would rarely, if ever, cross-endorse each others candidates.

In those years, the Republican Party endorsed Conservative party candidates, while the Democratic Party endorsed the Liberal or other minority party candidates. This manner of ballot arrangement enabled voters to have a choice of candidates. It also enabled voters to remove incompetent or dishonest judges. After all, the United States was organized around a two-party system that has existed for over two hundred years. However, in the last several years, voters in New York State have been unable to chose state court judges which preside over the State Supreme Court. These state court justices oversee the majority of cases brought by ordinary citizens. This practice undercuts the two-party system. It creates a “politburo” effect, or



autocracy within the judicial branch of state government which, in turn, actually encourages corruption. It also obliterates the rights of minor parties which is a practice the US Supreme Court has stated is unacceptable. As it will be demonstrated, the election law is intended to protect the electoral process and the two-party system. The manner in which the SBE administers the ballot process utilizing fusion voting effectively creates a one-party rule within of the judicial system. If the SBE is allowed to utilize fusion voting in this manner for the judicial branch, how long will it take before the same process is applied to the legislative and /or executive branches?

## 20. MANY FEDERAL LAWSUITS DEPEND ON STATE COURT DECISIONS, BUT THE RULE OF LAW IS OFTEN SUBVERTED BY PARTY BOSS INFLUENCE.

Many federal lawsuits are dependent on state law, and therefore, federal agents rely on decisions by state court judges. One example includes cases involving federal criminal tax fraud. For example, a case may involve a state court judgment for fraud. Only after the state court judge issues a judgment for fraud, and the transaction that was involved had produced a taxable gain, only then can the IRS commence an action for federal criminal tax fraud. The point is that IRS investigations often turn on the decisions of state court judges. Thus, the IRS is heavily dependent on the decisions of state court judges for their own federal criminal prosecutions.

Thus, in a democracy it is critical that the electorate be able to vote for the judicial candidate of their choice. The electorate must have the power to vote against incompetent, and corrupt judges, especially those state court judges that commit extortion in their courtrooms on behalf of their party bosses. Otherwise, our judicial system is on par with other autocratic states, such as Russia and China. This is why voting is a fundamental right. The US Supreme Court has stated that the right to vote is a fundamental right. Nullification of that right is a clear violation of due process.



21. PARALLEL PROCEEDINGS CREATES AN EXTRAORDINARILY MESSY LEGAL PROCESS THAT STRIPS DEFENDANTS OF THE ORDINARY CONSTITUTIONAL PROTECTIONS THEY ARE OTHERWISE ENTITLED TO UNDER LAW.

Abuses involving the rules governing parallel proceedings by federal agents have been chronicled on numerous occasions by the federal courts. [ See *US v. Kordel*, 397 US 1(1970); *US v. Tweet*, 550 F2d 297(1977); *US v. Scrushy*, 366 F. Supp. 2d 1134 (DC Ala.2005); *US v. Stringer*, 521F3d.1189 (9th Cir.2008)].

The federal law involving parallel proceedings permits federal agents to confer with state court judges on an ex-parte basis, to obtain warrants, orders, and discuss related matters, but this is strictly limited and only for proper purposes. Nonetheless, federal agents have been known to abuse this privilege to further their own self-interest or political interest. So it is clear that state court judges also possess enormous influence *over the commencement* of federal cases, and their outcomes. If misguided state justices are motivated by politics, as it has adversely affected this plaintiff, the overly-vague rules involving parallel proceedings may be unconstitutional because it results in unconstitutional judicial bias, or worse. Professors, lawyers, and judges have observed the inherent problems involved of such ex-parte meetings. [See the Nebraska Law Review, “*An Unholy Alliance: The Ex-Parte Relationship between the Judge & the Prosecutor*” by Roberta Flowers, Vol.79, Issue 2, Art,3 (2000)].

22. The real issue here is to the extent the rule of law as required under the US Constitution is being subverted. In this case, the fusion voting methodology utilized by the SBE is undermining the rule-of-law. As stated earlier, state court judges determine the predicate for many federal prosecutions. This is an important problem and why fusion voting is frowned upon. Party bosses



may determine the judicial nominations which guarantees the victory of any state supreme court justice they wish. *However, it also enables party bosses to impose undue influence upon the outcomes of lawsuits important to them with judicial candidates at party conventions. At trial, the plaintiff will show how this is done.* It also destroys the electability of minor party candidates. In sum, there is no provision for public accountability. Simply put, the manner in which the SBE administers the ballot process, is not within the common definition of voting. Fusion voting, as practiced by the SBE is a process of nullification of voter choice. This fosters corruption and moves our democracy towards autocracy.

23. THE STATE BOARD OF ELECTIONS IS A VITAL GATEKEEPER INTENDED TO PROTECT OUR DEMOCRACY. Both the US and State Constitutions are documents intended to express the will of the people through the process of voting. Government is a complex system, and if the election laws are not enforced, and the State Board ignores criminal violations of the election law, then this puts our entire political system at risk. It also puts our democracy at-risk, and moves our government towards autocracy. Moreover, federal prosecutors will be at the beckon-call of minor party officials because the rule-of-law will have been undermined by state politics. In sum, the State Board of Elections has created a mechanism where federal agents, themselves, may become beholden to local politicians demanding loyalty to them, as opposed to the US Constitution. This is the gravamen of this action, and a serious problem in New York. Voters, who elect their government officials, ought to be making these decisions in accordance with the rule-of-law. *Party bosses may select their judicial candidates, but voters must have a choice of judges at the ballot box. Under Article III, Sec.1 of the US Constitution, the judicial system is built on the legal principles of stare decision and legal precedent. Otherwise, our*



judicial system losses its independence, and can no longer function as a single federal system, if some states do not uphold the rule-of-law. The building blocks of stare decisis and legal precedent must be the foundation for our judicial system under the US Constitution, not local politics.

#### 24. THE FEDERAL COURTS MUST ALSO BE THE GUARDIANS OF OUR DEMOCRACY.

Federal judges take a solemn oath to uphold the US Constitution. They are awarded life-tenure, so they may be insulated by party politics. The US Congress enacts legislation, and provides the funds to enhance the process of voting. The State Board of Elections is partially funded by a federal grant authorized by the US Congress. The SBE cannot accept federal funds under the *Help America Vote Act* which are intended to enhance and protect the voting process, on the one hand. Then, at the same time, engage in methods that nullify voter choice. Therefore, this action asks the court for two things: first, is to find that fusion voting in the manner utilized by the SBE in state judicial campaigns is unconstitutional, if its effect is to completely eliminate, and nullify, voter choice. It is a critical mandate and responsibility of the federal courts to ferret-out and eliminate corruption. When federal agents succumb to the dictates of minor party bosses, this results in corruption. Secondly, to restrain federal agents from interfering with the State Board of Elections with respect to state election law. Federal agents must to be restrained from imposing their influence and authority on the enforcement of state election law. At trial, the plaintiff will present witnesses that have been intimidated by federal agents. Such testimony will demonstrate



a pattern of unlawful conduct, admissible under the Federal Rules of Evidence, Rule 406, Habit:Routine Practice.

25. FEDERAL AGENTS ACTING VICARIOUSLY TO COMMIT MISCONDUCT.

The plaintiff will prove at trial that federal agents can, and do, abuse their enormous influence to influence the outcome of trials. [See *Heller v. Plave*, 743 F. Supp. 1553 (S.D.Fla. 1990)].

Intimidating potential witnesses in pending matters, suborning perjury, and extorting business people to help them accomplish their unlawful objectives through vicarious means. Ordinarily, all citizens must be concerned with eliminating crime, and ought to assist federal agents in their investigation. However, what should a reasonable person do when a federal agent intimidates others to say and do things in order to pursue the federal agent's own political agenda, or his own self-interest? Or to facilitate another crime?

26. In the instant matter, federal agents have been working vicariously to inflate the plaintiff's personal expenses, and deflate his professional income. This is why he cannot afford an attorney. The plaintiff had to commence a previous action when federal agents maliciously manipulated his social security account. In this case, the plaintiff has suffered from malicious manipulation of his health insurance, a medicare advantage plan.

**WHAT OUR LEADERS ARE SAYING.....**

*(Note: References to periodicals can be used to easily find the original sources in an internet search box.)*

27. Former Chief Justice of the NYS Court of Appeals, Hon. Sol Wachtler

*The problem is that the current cross-endorsement practices, with the intrusion of fusion voting by minority parties, does not improve the quality of judges; it only increases the number of political bosses who can now pick judges.*

*("Fix the way New York selects state Supreme Court judges", Newsday, 9/30/18.)*

28. State Democratic Party Chair, Jay Jacobs

It creates all sorts of problems. You've got transactional politics. You have lack of clarity for voters...There's no good government basis for fusion voting.



(“NYS panel weighs future of fusion voting which empowers minor parties”, Newsday, 9/28/19)

29. Democratic Party Leader of Suffolk County, Mr. Steve Bellone

*The most significant step New York can take now to strengthen our democracy is to finally ban the practice of fusion voting. Under state law, candidates for public office may appear under multiple party lines. It is legal to simultaneously appear on the Democratic, Republican, Independence and Conservative party lines, effectively guaranteeing victory.*

(“End Fusion Voting in NY, Newsday, 10/7/19)

30. Former State Senate Candidate, Marc Coppola

*Minor parties and their leaders have a disproportionate amount of influence in NYS politics and our government. It has proven to be a pay for play system and a breeding ground for corruption.*

(“State Senate candidate calls for an end to fusion voting,” Clarence Bee News, 6/23/10)

31. Cortland County Committee Chair, Tim Profit

*I am all for ending fusion voting because I am tired of the tail wagging the dog.*

(“Democrats vote to ban ‘fusion voting’, ask NY Legislature to act” Newsday, 3/4/19)

32. Dutchess County Candidate, Debra Block

*Fusion voting allows a ‘tail-wagging-the-dog’ political system. It has allowed corruption and play-to-play politics to flourish.*

(NYS panel weighs future of fusion voting which empowers minor parties, Newsday, 9/28/19)

***What is being said in the free press and official reports?***

33. TRAC Reports

The latest available data from the Department of Justice show that during the first six months of FY 2021 the government reported 236 new official corruption prosecutions. If this activity continues at the same pace, the annual total of prosecutions will be 437 for this fiscal year. This estimate is up 38% over the last fiscal year when the number of prosecutions totaled 342 according to the internal case-by-case government records obtained and analyzed by the Transactional Records Access Clearinghouse (TRAC) at Syracuse University after successful litigation under the Freedom of Information Act.



34. City Journal: Eye On the News

*Much of the problem - unsurprisingly - lies in New York's interlinked networks of donors, party bosses, unions, and consultants, who chose candidates, fund them, and essentially control them once they are in office.*

(“New York’s Corruption Pit: The state and city’s political malfeasance scandals are so interlocked with their watchdogs that the feds have to sort them out.” City Journal, 3/29/2018.

35. New York Magazine

*New York has unfortunately garnered a reputation for political corruption that’s sometimes only rivaled by states like Illinois....but there is something unique about New York and Albany and how their politics function that lends itself to scandals.*

(“Why Is New York Politics So Corrupt?”, (See <https://nymag.com/intelligencer/2022/04/brian-benjamin-case-why-is-new-york-politics-so-corrupt.html>).

***Fusion voting and corruption in court-ordered receiverships***

36. NYS Office of the Managing Inspector General for Fiduciary Appointments

*Newsday’s investigation into the court appointment process has shown that the reforms have not achieved their goals...and the findings cast doubt on the court system’s ability to provide adequate oversight despite a watchdog agency.*

(“The Insiders: Newsday findings show 2002 reforms failed to eliminate cronyism and increase transparency in court appointment system”, Newsday, 12/30/14)

37. Pace University Law Professor, Bennett Grecian

*...a blatant example of political and judicial corruption and cronyism.*

(“Exploring ties between political power and receivership system,” Newsday, 11/24/14)

**STATEMENT OF FACTS**

38. PLAINTIFF, AS A MEMBER OF THE ELECTORAL FRANCHISE, HAS BEEN UNABLE TO VOTE FOR HIS CHOICE OF JUDICIAL CANDIDATE. HIS VOTE HAS BEEN NULLIFIED BY THE WAY THE SBE HAS ARRANGED THE BALLOT. THE RESULT IS THAT HE HAS BEEN DAMAGED BY ELECTORAL CANDIDATES ACTING IN THEIR OWN SELF-INTEREST.

The plaintiff, Martin Cohen, is a life-long resident and member of the electorate in New York

State. The plaintiff now complains that his vote for state judicial candidates, as well, as votes cast



by other members of the electorate are meaningless since no voter has any choice over judicial candidates. Simply put, voters cannot remove incompetent and dishonest judicial candidates at the ballot box. They are precluded by the ballot methodology utilized by the SBE. The plaintiff contends that the arrangement of the ballot nullifies voting as it is commonly understood by voters, and the unlawful manipulation of the ballot is a violation of his substantive right to due process of his right to vote. In a democratic society, voting is a fundamental right. Nullification or violation of one's fundamental rights demands strict scrutiny by the courts. The preservation of life, liberty and property are constitutional guarantees. The plaintiff will prove at trial that the methodology of the SBE combined with the practice of selective enforcement of the election laws by the SBE, and misuse of parallel proceedings by federal agents has collectively enabled a conspiracy whose goal was to strip the plaintiff of all his personal and real property. Politically motivated judicial candidates, who have replaced the rule-of law with their own self-interest and thirst for power has created an ongoing threat to his life and liberty. At trial, the plaintiff will show how one incumbent judicial candidate, *Individual 1*, during the period of an active campaign colluded with a party boss to deny the plaintiff's right to counsel in a state court proceeding. This effectively confiscated 100% of the plaintiff's personal and real property assets valued at over \$2 million dollars, and nearly left him homeless.

### 39. THE ATTORNEY GENERAL NEVER RESPONDED TO THE FIRST COMPLAINT.

On **August 26, 2019**, plaintiff filed a first complaint involving certain Officers and Directors of the Independence Party of New York directly with the State Attorney General, the Hon. Letitia James. **Exhibit A.** The gravamen of that filing focused on fraud and corruption in fiduciary-based accounts supervised by receivers. This is a prima facie case of loss of property that ought to have



been constitutionally protected. This sort of corruption has been successfully prosecuted before.

**Exhibit B.** The Aug. 26, 2019 Complaint alleged several sections of the NY Trust Act. This included allegations of political crimes including: Sec. 496.05 *Corrupting the government*, 496.05 *Public Corruption*, and Sec. 200.36 *Corrupt use of position or authority*. Anti-corruption laws enacted by the state legislature are worthless, if the chief law enforcement officer doesn't prosecute offenders, or engages in selective enforcement of the law. A copy was also sent to the SBE. On **May 30, 2020**, the plaintiff wrote to the State Board of Elections requesting a hearing pursuant to Sec.3-102(4) of the state election law. **Exhibit C.**

#### 40. THE STATE BOARD OF ELECTIONS NEVER RESPONDED TO THE COMPLAINT.

Despite the lack of attention given to his Complaint by the State Attorney General, the plaintiff believed that the State Board of Elections would give the Complaint more serious consideration. After all, the State Board of Elections which is a creation of the State Constitution serves as the gatekeeper, and guardian of the election law. **On June 7, 2020**, the plaintiff forwarded a copy of his Complaint to the State Board of Elections, and made a second request for a hearing in accordance with state election law Sec.3-102(4). The state election law adheres to the constitutional requirement of due process of law, but his request was ignored.

#### 41. THE SBE IGNORED THE PLAINTIFF'S REQUEST FOR AN INFORMAL MEETING.

On **July 29, 2020**, the plaintiff requested an informal meeting with the two SBE Executive Directors, Mr. Todd Valentine, and Mr. Robert Brehm in the hopes that perhaps a more informal manner of communication would be more effective. However, the plaintiff received no response, and his third request was ignored once more. **Exhibit D.**



42. PLAINTIFF MEETS WITH MS. CUSHMAN, SENIOR INVESTIGATOR.

On or about **August 31, 2020**, the plaintiff filed an additional “Complaint for Fraud and Corruption Under Election Law Sec. 3-104” directly with the State Board of Elections.” **Exhibit E**. The plaintiff personally delivered this document to Ms. Cushman, and discussed the matter with her. This document was specifically prepared because Ms. Cushman previously wrote that it was her impression that this was a matter under the Judiciary Law, and the Commission on Judicial Conduct. However, the state election law is very specific:

Sec. 3-104 *State Board of Elections; enforcement powers* is a state statute with three very important subsections:

Subsection 1 establishes the position of chief enforcement counsel, and assigns legal jurisdiction over enforcement of the election law.

Subsection 2(a) provides that, “it shall expeditiously make an investigation.”, and Subsection 2(b) states that, “the chief enforcement counsel may request and shall receive , the assistance of the state police ...”

Subsection 3 also provides that “...the chief enforcement counsel shall, if necessary, obtain additional information from the complainant...”.

A copy of “*Selected Statutes Relating To the Election Law*” is attached. The Complainant strongly suggests that this be reviewed. **Exhibit F**.

It became clear to the plaintiff after their meeting that Ms. Cushman was either ignorant of the election law requirement, misinformed, or possibly creating a diversion from executing her legal responsibilities. The Complaint specifically addressed the facts reported in the Newsday Special Investigative Report, “*The Insiders*”, Oct.7, 2014. **Exhibit G**. The facts reported had indicated that several crimes were committed. These included conspiracy to commit campaign finance violations, violation of public officer laws, disguised payoffs, filing false information in



a government report, among other violations of law. Nonetheless, Ms. Cushman never investigated these allegations.

43. A DEMAND FOR A RESPONSE WAS FILED WITH THE EXECUTIVE DIRECTORS.

The violation of the due process clause is a serious one. Government has a responsibility to answer to those with a legitimate grievance when their rights are denied. In addition, state administrative law [Sec.307(1)], requires state agencies to make formal determinations, in writing, to all parties in any adversarial proceeding. **On January 6, 2021**, the plaintiff demanded a written response from the Executive Directors of the SBE. **Exhibit H**. The letter was addressed to Mr. Todd Valentine, and Mr. Robert Brehm. The plaintiff advised the Executive Directors of his previous Complaints, and their legal responsibilities in accordance with Sec.307(1) of the State Administrative Procedure Act , Sec. 307(1), but still received no response.

44. THE PLAINTIFF FILED A SUPPLEMENTAL COMPLAINT WITH THE SBE.

**On April 14, 2021**, the plaintiff, filed a Supplemental Complaint (**Exhibit I**) raising allegations involving the New York Trust Act (the “Trust Act”). Enacted in 2014, the state legislature passed this law in order to stem the rising tide of corruption. The Trust Act is a provision in the state penal law. It applies mainly to those in elected office, those acting in any official state capacity, including public servants. Attorneys acting as court appointed receivers are public servants since they are required under law to take an oath of office. Therefore, they are also subject to the Trust Act. The gravamen of this Supplemental Complaint raised serious issues involving officers and directors of the Independence Party of New York, who served in their dual roles as public servants. The Supplemental Complaint focused on monies given by a party boss, in his dual role



as a court-appointed receiver, to the Executive Director of the Independence Party of Nassau County, for roughly \$90,000. A receiver qualifies under the state penal law as a “public servant”. This ought to have raised serious allegations of crimes involving the election law involving illegal campaign contributions. There was no immediate response from Ms. Cushman, or any other members of the SBE. This was clear evidence that a cover-up was under way.

45. THE PLAINTIFF FILED A SECOND DEMAND WITH THE EXECUTIVE DIRECTORS.

On **April 22, 2021**, without even receiving an email confirmation, or a telephone call, the plaintiff wrote to the State Board of Elections, Executive Directors, Robert Brehm, and Todd Valentine. He informed them of the communications with Ms. Cushman, as well as those allegations reported in the free press have allowed and encouraged corruption which had resulted in losses of plaintiff’s property. **Exhibit J.**

46. COUNSEL RESPONDS TO THE PLAINTIFF MERELY ACKNOWLEDGING RECEIPT.

On **April 26, 2021**, Ms. Carla DiMarco, Associate Counsel to the Division of Election Law Enforcement of the State Board of Elections notified the plaintiff that they had received the Complaint of April 14, 2021. However, there was still no hearing or any other reply that would be appropriate to the matter at hand. Thus, it became clear that there would be no investigation. There was a clear intent to block any investigation of the plaintiff’s complaint. **Exhibit K.**

47. DEFENDANT GENEVRA CUSHMAN RESPONDS TO THE PLAINTIFF.

On **May 7, 2021**, plaintiff received an email message from Ms. Genevra Cushman, Special Investigator within the Division of Election Law Enforcement of the State Board of Elections stating that she received the Complaint of April 14, 2014, but lost the initial Complaint. She



denied that any of the allegations were violations of the Election Law. Thus, the State Board had denied jurisdiction. Additionally, she stated that no referral could be made to the State Attorney General since there was no current Chief Enforcement Counsel. **Exhibit L.**

48. A COMPLAINT FOCUSING ON THE ELECTION LAW WAS FILED WITH THE SBE. In order to assist the Division of Enforcement to better understand their duties, on **On May 30, 2022**, plaintiff sent another letter to the SBE indicating that the SBE's duties included enforcing both the civil and criminal statutes of the election law. **Exhibit M.** This was accompanied by a "Complaint for Crimes in Violation of the Election Law" directly with the State Board of Elections in Albany, NY. **Exhibit N.**

49. THE CHIEF ENFORCEMENT COUNSEL REQUESTS MORE INFORMATION.

Then, **On June 3, 2022**, Mr. Michael Johnson, Chief Enforcement Counsel for the State Board of Elections indicated that he was unable to ascertain "whether a violation is alleged that would invoke the jurisdiction of the Enforcement Division," and asked for more information. **Exhibit O.** The plaintiff had hoped that Mr. Johnson was responding in good faith, and the plaintiff began to plan for a meeting to discuss this matter with Mr. Johnson.

50. THE PLAINTIFF REQUESTED A FORMAL COMPLAINT FORM, BUT WAS DENIED.

On **June 10, 2022**, the plaintiff wrote to Mr. Brian Quail, Counsel, and requested an Official Complaint form, but was informed by Mr. Quail that one was not necessary. **Exhibit P.**

51. PLAINTIFF REQUESTED A MEETING WITH CHIEF ENFORCEMENT COUNSEL.

**On July 15, 2022**, the plaintiff requested a meeting with Mr. Johnson, and followed up with telephone calls, but Mr. Johnson never responded. The plaintiff had numerous experiences in which public officials and other persons with knowledge of the situation were suddenly blocked



or unavailable to communicate with the plaintiff. This led to the plaintiff's reasonable belief that federal agents asked Mr. Johnson not to get involved. **Exhibit Q.**

#### 52. FEDERAL AGENTS HAVE BLOCKED PLAINTIFF'S COMMUNICATIONS.

Under the Federal Rules of Evidence, Rule 406. Habit: Routine practice, evidence of patterns of conduct and other similar behaviors are admissible in federal court. The plaintiff here has evidence that will be offered at trial that federal agents have either blocked his efforts, and /or have spread false and derogatory information about him to members of the State Board of Elections, and several others, in an effort to protect a minor party boss with whom they consort. Federal agents have engaged in tactics involving intimidation of potential witnesses favorable to the plaintiff under threats of aiding and abetting, and other forms of intimidation.

#### 53. RETALIATION BY A PARTY BOSS

In plaintiff's Complaint filed with the SBE, the plaintiff will show how the SBE Division of Enforcement purposely ignored a prima facie case of a gross violation of the state campaign finance law. This willful lack of enforcement enabled the same party boss, acting in his dual-role as a trial attorney in a case before an incumbent judicial candidate, *Individual 2*, seeking the party boss's endorsement. The state case was inextricably linked to a federal criminal tax fraud scheme in which the plaintiff was falsely implicated. The party boss' intent was to maliciously and falsely expose the plaintiff to criminal liability.

#### 54. FEDERAL AGENTS WILLFULLY IGNORED RELEVANT EVIDENCE, AND FEIGNED PROBABLE CAUSE.

In order to correct this injustice, the plaintiff voluntarily went to visit the federal defendants in order to disclose the scheme concocted by the party boss. During the meetings, the federal



defendants and a federal prosecutor were present. At the meeting, the federal prosecutor was given exculpatory evidence which included documents and testimony about the matter. The evidence included the Newsday Special Investigative Report, as to the actual facts involved. Any reasonable person would have understood that such evidence effectively eliminated the existence of any probable cause involving the plaintiff. The plaintiff later learned that federal agents do not need a factual predicate to pursue a case. Nonetheless, the evidence presented to the federal prosecutor, eradicated any probable cause implicating the plaintiff. **Exhibit R.** Instead of acknowledging the evidence and asking to obtain more information, the prosecutor summarily got up, left his seat, dismissed the matter, and left the meeting without explanation. Later, the plaintiff filled three Whistleblower Complaints with some of the additional exculpatory evidence. Copies were provided to the federal defendants and the federal prosecutor, but there was never a response from the federal prosecutor. When the plaintiff personally discussed this very episode with the party boss / attorney later in a meeting, he was told by the party boss / attorney that it was because he had a “special relationship” with the IRS agents. Thus, it is clear that if the voters cannot remove dishonest judges during the election process then judges become beholden to party bosses, and they will act contrary to the rule of law. Simply put, they become “dirty” judges.

#### 55. A DUTY TO INVESTIGATE AND ENFORCE THE ELECTION LAWS.

The sequence of contacts that has transpired between the plaintiff and members of the SBE demonstrates that plaintiff’s rights under the Constitution and various statutes have been violated in a conspiratorial manner, and that the plaintiff has experiences great loss and damages. These



violations have been brought to the attention of members of the SBE. It is the duty of the SBE officers to investigate and enforce the election laws, both under state and federal law, as guardians of our democracy. Despite the existence of a prima facie case that one or more crimes have been committed, the plaintiff's communications with the SBE members has been blocked or intentionally mishandled. IRS agents have unlimited access to technology and resources capable of being misappropriated for improper political purposes. Federal agents acting in their own self-interest are misappropriating these technology resources in an illicit manner. This also includes blocking the plaintiff's past attempts to bring this matter to the attention of members of the US Congress.

56. FEDERAL AGENTS ACTING CONTRARY TO THE *HELP AMERICA VOTE ACT* (*HAVA*) MUST BE RESTRAINED.

The SBE receives funds from the Federal Government under the *Help America Vote Act* (the "HAVA") and includes enforcement provisions. This is a federal statute which was enacted by the US Congress. The federal laws protecting voting rights are also acts of the US Congress. Thus, the crimes that are committed under the election law must be investigated and prosecuted. In this case, federal agents and members of the conspiracy are seeking to avoid exposure by blocking attempts by the plaintiff to investigate and enforce the election laws. Federal immunities cannot shield federal agents from committing crimes intended to benefit their own self-interest or political interests. As a consequence, the plaintiff's fundamental rights have been violated, and he has suffered great losses. Federal agents must be prohibited and restrained from



acting in a manner contrary to an act of the US Congress. Federal agents are not entitled to pursue their own political interests.

57. The plaintiff here has evidence that will be offered at trial, under the Federal Rules of Evidence: Rule 406. Habit: Routine practice that federal agents have either blocked his efforts, and /or have spread false and derogatory information about him to members of the State Board of Elections in an effort to protect a minor party official with whom they consort.

58. FEDERAL AGENTS LOSE THEIR IMMUNITY WHEN THEY OBSTRUCT JUSTICE.

Defendants in this matter include IRS agents that are participating in a criminal conspiracy, a crime intended to obstruct enforcement of the state election law. In addition, this is a conspiracy that also involves at least one attorney, a judge, and a federal prosecutor. An objective of the conspiracy is to steer state supreme court cases in favor of federal agents despite the rule of law or the evidence. Thus, attorneys and judges benefit politically. They are abusing their judicial and prosecutorial immunities. Moreover, federal prosecutors have broad discretion in granting immunity. This enables them to protect state court judges, in return. As previously mentioned, in cases where funds have been held by the State in commercial banks which are members of the Federal Reserve System, such funds have been unlawfully distributed directly to local politicians by members of the conspiracy through state receiverships. This conspiracy has never been prosecuted because the rogue IRS agents and the federal prosecutor, who are members of the conspiracy have shielded the embezzlement of these receivership funds from public scrutiny. The conspiracy relies on judicial and prosecutorial immunities that act to shield and protect all the members of the conspiracy, including party bosses when they extort promises from judicial



candidates. Thus, the maligned process of fusion voting, as it is currently implemented, is only the first step. This ongoing conspiracy forms a grand scheme to defraud the US government of funds from banks that are members of the Federal Reserve System. In New York, this is a consequence of selective enforcement of the election laws. Now the federal defendants are attempting to build a case in order to frame the plaintiff, and prevent him from identifying and exposing their illicit scheme.

#### 59.FEDERAL AGENTS WANT TO STOP THE PLAINTIFF AT ANY COST

Federal agents now want to defeat the plaintiff at any cost. Understandably, no federal agent wants to be accused of self-dealing. Consequently, federal agents have infiltrated the plaintiff's relationships with his physicians, doctors, and health care providers with the intent of causing him bodily harm. They are likely continuing to spread false and derogatory information about the plaintiff to gain the support and sympathies of the plaintiff's doctors.

60. Federal agents are also likely using sub rosa threats against plaintiff's medical professionals. They are warning them against helping the plaintiff in any way. The consequence for defying federal agents may be a charge for aiding and abetting the plaintiff. These rogue federal agents do not respect the doctor-patient privilege. In court, the plaintiff will prove that federal agents have solicited the plaintiff's physicians in order to act in a vicarious manner intended to cause bodily harm to the plaintiff. Federal agents are keenly aware that if they can convince the doctor to cause the harm, and not the federal agent, then this gives them plausible deniability in any claims against them.

#### 61. FEDERAL AGENTS ACTING VICARIOUSLY



Legal representation is very expensive. Federal agents know this, so they seek to identify the sources of income and other financial resources of those they are investigating. Once federal agents locate their target's source of funds, federal agents look to destroy the underlying relationships that support that person. In the instant case, federal agents have found a way to undermine the plaintiff's position as a professor at a local university. They have continuously spread false and derogatory information about him to his employer there. He was denied a full-time position there, and even his part-time position was cut due to the constant pressure put upon the college administration to terminate his position.

62. Another methodology utilized by federal agents is to find ways to burden the plaintiff with inflating his otherwise ordinary expenditures. The plaintiff does business with dozens of vendors. Federal agents, who through surveillance activities have access to all of the plaintiff's business and financial records. Thus, they are able to make contact with the senior executives of those vendors. By soliciting their cooperation, vendors will agree to falsely bill, overcharge, and / or do anything that will cost the plaintiff more than he should have. In a 2019 case, federal agents were behind a scheme to double charge the plaintiff for the return of social security overpayments. More recently, federal agents were behind a scheme to deny health insurance benefits, or over-bill costs which are ordinarily covered under Medicare. Federal agents have enormous power when it comes to Social Security and Medicare since they are run and overseen by the federal government. In the instant case, one medicare provider, Empire Plan, disallowed coverage for certain preventative care which cost the plaintiff hundreds of dollars. The plaintiff was told that certain medical costs would be covered by his insurer, Empire Insurance Co., but was denied once he arrived at the doctor's office for service. This resulted in hundreds of dollars of out of



pocket expenses. The same company arbitrarily burdened the plaintiff with excessive and arbitrary reimbursement amounts on pharmaceutical products required for the plaintiff's health. At trial, under the federal rules of evidence, the plaintiff will demonstrate how the federal agents act improperly using vicarious means, including:.

1. Overcharging the plaintiff for prescription medicines. **Exhibit S.**
2. Denying coverage that is ordinarily covered for preventive care which costs hundreds of dollars. **Exhibit T.**
3. Facilitating surprise hospital bills by getting the insurance company to resist giving authorized amounts for services beforehand. **Exhibit U.**
4. Other malicious manipulations intended to burden the plaintiff.

## CAUSES OF ACTION

### *With respect to the State Board of Elections...*

#### COUNT 1

*The Fourteenth Amendment to the US Constitution states that:*

*"No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States ; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."*

*In the United States, voting is considered a fundamental right for the purposes of the due process clause of the US Constitution, and the court must assess the SBE methodology for utilizing fusion voting under strict scrutiny.*

63. Plaintiff re-alleges and incorporates by reference all allegations above as if fully set forth within.



64. The manner in which the SBE has arranged election ballots have had the effect of nullifying voter choice. The result is that the plaintiff and other voters have been unable to unseat incompetent or bad judges at the ballot box on election day.

65. Consequently, innocent parties in state courts have become subject to judicial bias and political extortion. The plaintiff in this case is such a victim. By the shifting of accountability from the electorate to party bosses, and unable to vote against their taking office or being removed from office, the plaintiff was denied his right to counsel in an official courtroom proceeding by an incumbent judicial candidate. The consequential loss of counsel resulted in the plaintiff losing his financial resources of over \$2 million dollars, including his home.

66. For these reasons, the plaintiff is entitled to a declaratory judgment that his fundamental right to vote in a judicial campaign was violated by members of the SBE.

---

## COUNT 2

*In addition to the Fourteenth Amendment violation of procedural due process, NY APA Sec. 307(1) Decisions, determinations and orders states, "A final decision, determination or order adverse to a party in an adjudicatory proceeding shall be in writing, or stated in the record and shall include findings of fact and conclusions of law or reasons for the decision..."*

67. Plaintiff re-alleges and incorporates, by reference all allegations above, as if fully set forth within.

68. The facts in this case show that the plaintiff made numerous complaints to the SBE during years 2019 through 2022, and has requested a hearing on each occasion. The gravamen of each complaint centers on violations of the election law committed by a party boss that have



consequently harmed the plaintiff. The SBE has violated the procedural due process rights under the US Constitution by not granting the plaintiff an official hearing, or the right to appeal. In addition, the SBE has committed violations of the NY APA Sec. 307. Decisions, determinations, and orders for any decision that was made, or might have been made on any action, but not communicated to the plaintiff.

69. The aggrieved plaintiff sought relief from the SBE, but his complaints were ignored. He is therefore entitled to a declaratory judgment that both his federal constitutional due process rights have been violated for being denied a hearing, as well as the state administrative law, for failure to notify the plaintiff of any decision that it made, or might have made.

---

COUNT 3

*The New York State Board of Elections is partially funded by the federal government by an act of the US Congress under the "Help America Vote Act." The receipt of such funds constitutes a waiver of its sovereign immunity.*

70. Plaintiff re-alleges and incorporates all preceding allegations above, as if fully set forth within.

71. A condition of receiving federal funding under the Help America Vote Act by New York State is the waiving of its sovereign immunity, and thus federal courts have jurisdiction over such matters.

72. The plaintiff is entitled to a declaratory judgment that New York State has waived its sovereign immunity over matters that deprived the plaintiff as well as other members of the electorate of a fair election.



---

*With respect to the federal defendants...*

COUNT 4

*The Fifth Amendment to the US Constitution States that, "No person shall be...deprived of life, liberty, or property, without due process of law..."*

73. Plaintiff re-alleges and incorporates by reference all allegations above, as if fully set forth within.

74. The person identified in paragraph 38 above, as *Individual 1*, as a incumbent judicial candidate is now a state court justice, by virtue of the improper and unlawful methodology of the SBE who has acted in a conspiratorial manner with federal agents, and a party boss to deprive the plaintiff of his personal and real property in excess of \$2 million dollars, including the loss of his home.

75. For these reasons, the plaintiff is entitled to a declaratory judgment that his Fifth Amendment rights have been violated by the federal agents.

---

COUNT 5

*The Help America Vote Act included, 42 USC 1554 Other Crimes (renumbered to 52 USC 2114), Voting & Elections, (a) Conspiring to deprive voters of a fair election. Other crimes may include 18 USC 371 Obstruction of Justice.*

76. Plaintiff re-alleges and incorporates all preceding allegations above, as if fully set forth within.



77. Federal agents have used their powers and influence in a manner that has interfered with, and obstructed, plaintiff's formal Complaints brought before the SBE for campaign finance violations. Thus, federal agents have violated his due process rights under both state and federal law. Acting in a conspiratorial manner with the SBE for misuse of fusion voting has the combined effect of depriving voters of a fair election. Thus, both defendants are equally culpable for depriving voters of a fair election.

78. SBE, which is partially federally funded, then federal agents may be guilty of 18 USC 371, Conspiracy to defraud the United States.

79. Plaintiff is also entitled to a declaratory judgment that the federal defendants unlawfully interfered with an act of the US Congress and may therefore be restrained from further interference with the proper administration of the state election process including the election laws involving campaign finance restrictions.

---

#### COUNT 6

*Under the requirements for a parallel proceeding under USC, it is a requirement that the court record in a civil case include notice that a criminal prosecution or criminal charge be a potential outcome of the civil proceeding. Such notice is a requirement, so that civil litigants and their attorneys are aware and on notice of potential criminal liability. In a parallel proceeding under IRM Sec. 5.1.5.1, a federal agent may conduct an investigation during a state proceeding, but only for a proper purpose.*

80. Plaintiff re-alleges and incorporates by reference all preceding allegations above, as if fully set forth within.

81. A federal agent acting pursuant to a parallel proceeding under IRM Sec. 5.1.5.5 may not use undue or corruptive influence and / or false information to improperly steer the outcome of a



state court or agency decision during an ex-parte meeting. The person identified above in paragraph 53, as *Individual 2*, acted in a conspiratorial manner with federal agents to unlawfully steer a state court decision for an improper purpose.

82. A federal agent that violates IRM Sec. 5.1.5.1, must be referred to the US Inspector General for Tax Administration and the US Department of Justice for Professional Conduct.

---

#### COUNT 7

*The US Constitution provides for a government with an equal division of powers between the executive, judicial, and legislative branches of government. This is referred to as a “system of checks and balances.” A federal agent may enter into an ex-parte meeting with a federal or a state court justice or agency official exclusively for lawful and proper purposes. However, shielding one who commits election law crimes which result in losses to the US Treasury, while falsely incriminating another is not a proper, nor lawful purpose, and is being used to subvert the “system of checks and balances,” as well as the rule of law under the US Constitution. This is a violation of IRC Sec.1203(b)(3)(A) which includes acts or omissions committed by an employee of the IRS with respect to a taxpayer involving “any right under the Constitution of the United States...”*

83. Plaintiff re-alleges and incorporates all preceding allegations above, as if fully set forth within.

84. Under the US Constitution, Art. I, Sec. 1, establishes Congress as the legislative branch.

Under Art. II, Sec. 1 establishes the executive branch, and Art. III, Sec. 1 of the US Constitution establishes the judicial branch of government. The separation of powers between the three branches of government is intentional, and creates a system of checks and balances.



85. Federal agents may embark upon ex-parte relationships with judges and triers of fact, but only for very limited and very specific purposes such as obtaining search warrants, etc.

86. A federal agent that instead uses the ex-parte relationship with a judge in order to improperly create judicial bias towards another otherwise innocent person, disparage him, spread derogatory and false information about a person is violating the constitutional rights of a taxpayer under IRC 1203(b)(3)(A). If the intent of federal agents is to improperly shield and deflect guilt from someone else that has committed campaign finance crimes, then federal agents may also be guilty of 18 USC 286 for conspiring with another against the federal government by aiding in the payment of a fraudulent claim, and is not entitled to immunity.

---

COUNT 8

*It is unlawful for a federal agent that uses selective enforcement of the tax laws to help a guilty party evade taxes. Moreover, if the federal agent, instead, in an unlawful attempt to implicate criminal liability and bring false charges against an otherwise innocent party in the absence of probable cause. This is an act of professional misconduct.*

87. Plaintiff re-alleges and incorporates by reference all allegations above, as if fully set forth within.

88. When a federal agent involved in a parallel proceeding conspires or colludes with another attorney [under 26 USC 7214 Sub.(a)(1)] in an attempt to bring false charges against an otherwise innocent party, so that the co-conspirator and his third party client may evade taxation, the federal agent may be found guilty of 26 USC 7214, Sub.(a)(5) one who makes the opportunity to avoid income taxes.



89. A federal agent that is found guilty of either a conspiracy charge under 26 USC 7214 must be referred to the Inspector General for Tax Administration and /or the US Dept. of Justice Office of professional discipline.

---

COUNT 9

*Federal agents that act in their own self-interest, political self-interest, or commit crimes are not entitled to the shield of immunity. This is especially true where an official has conspired to violate a clearly established right, including voting rights. Whether a federal agent has acted in his, or her, self-interest is a question of fact, and must be determined at trial.*

90. Plaintiff re-alleges and incorporates by reference all allegations above, as if fully set forth within.

91. Federal agents in this matter have conspired with an attorney / party boss and others in order to insure a state court decision against the plaintiff. Thus, they are acting in their own self-interest, political interest, or committing various crimes involving corruption. This situation has been facilitated and encouraged by the SBE's manner of utilizing fusion voting which involves the nullification of voter choice. This is a fact that will be proven at trial.

92. A federal agent that is found guilty of any act in their own self-interest , political self-interest, or any crime must be referred to the Inspector General for Tax Administration or the US Dept. of Justice Office of Professional Discipline.

***With respect to the Insurance Company***

COUNT 10



*The regulation of healthcare costs by Medicaid and Medicaid Advantage Plans is a highly regulated activity. Official policies for preventative medical procedures are very clear. Moreover, the cost of pharmaceutical products is established and should not be subject to random and erratic pricing above retail prices. Finally, health insurance companies offering Medicaid Advantage Plans are required to cover the same procedures as standard Medicare. In order to avoid surprise overcharges, insurance companies are required to give a good-faith estimate of the cost of medical procedures, etc. Failure to comply with the rules and standards established by Medicare is a violation of federal law.*

93. Plaintiff re-alleges and incorporates, by reference, any and all allegations above, as if fully set forth within.

94. Plaintiff was planning a colonoscopy. He spoke with the insurance company and discussed three of the covered alternatives. These included (a) a virtual colonoscopy conducted by an MRI facility, (b) at-home test using Cologuard, or (c) a traditional in-hospital colonoscopy as an outpatient. The Plaintiff was informed that since the virtual colonoscopy and Cologuard test were preventative procedures that he would be fully covered. There would be a co-insurance cost to the plaintiff, if he elected the in-hospital procedure, but would be much more costly. In an effort to save himself, and the insurance company money, he elected the virtual colonoscopy. However, upon arriving for the procedure on the scheduled day, he was informed by the insurance company that the cost would be \$250.00. This was a complete surprise to the plaintiff since he relied on the insurance company's prior commitment that he would be fully covered by insurance. The plaintiff later called the insurance company, and spoke to a supervisor, who recommended that an appeal be filed, and he did. However, the appeal was denied.

95. In another situation, the plaintiff was prescribed a medicine called dextroamphetamine. For many months, the reimbursement for this medicine was the same. Then, for no reason, the



insurance company doubled the price. In order to avoid the overcharge, the plaintiff opted for the retail price which was half.

96. The plaintiff has reason to believe that these coverage denials and overcharges emanated by federal agents acting vicariously to bleed the plaintiff's financial resources. The plaintiff has experienced this before on several occasions. At trial, the plaintiff will show under the Federal Rules of Evidence Rule 306: *Habit: Routine Practice* that federal agents have engaged in a continuous and ongoing practice of maliciously manipulating the vendors and other services that are purchased by the plaintiff with the sole purpose of wasting the plaintiff's financial resources.

97. The plaintiff is in need of surgery for both orthopedic and urological medical procedures since he is in pain and experiencing much discomfort. Since the health insurance company is not forthcoming and acting in an unprofessional and malicious manner, the plaintiff has had to cancel or defer such surgery. This has caused the plaintiff undue stress and an infliction of emotional distress. For these reasons, the plaintiff asks this court for monetary damages of \$5,000,000

### **PRAYER FOR RELIEF**

**WHEREFORE** the plaintiff respectfully requests that the following relief be granted as follows:

98. A declaratory judgment that the plaintiff's right to vote in a state judicial campaign was violated by the SBE. Therefore, the SBE must cease and desist from its present method of



allowing fusion voting of judicial candidates which fuses the two major political parties, and which results in nullifying voter choice.

99. A declaratory judgment that the plaintiff's rights under the Fourteenth Amendment to the US Constitution were violated by Ms. Genevra Cushman and other state officials at the State Board of Elections for failing to commence a hearing of plaintiff's complaint in accordance with the federal constitutional requirements of due process of law, and for failing to comply with NY APA Sec.307(1).

100. A finding that by accepting federal funds under the *Help America Vote Act (HAVA)* for the improvement of voting and election activities within New York State, the State has effectively waived its right to sovereign immunity. Thus, any method or procedures used by the SBE which employs fusion voting in a manner that denies voters the right to elect their own judicial candidates is depriving the electorate, including the plaintiff, of a fair election. The plaintiff is entitled to a declaratory judgment that this is a violation of the HAVA law enacted by the US Congress.

101. A finding that federal agents acted in a conspiratorial manner with an incumbent judicial candidate (Individual 1) to deprive the plaintiff of his personal and real property interests, including his home. Thus, the plaintiff is entitled to a declaratory judgment that his Fifth Amendment rights have been violated by federal agents.

102. A declaratory judgment that the federal defendants abused their privileges under the rules governing parallel proceedings, including under IRM Sec.5.1.5.1 to taint and unduly influence state court decisions and steer their outcomes to the advantage of federal agents.



103. A permanent injunction and restraining order to restrict the federal defendants from any direct or indirect involvement in any proceedings involving the plaintiff before the State Board of Elections.

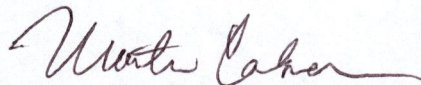
104. A declaratory judgment that the federal defendants have engaged in extortion or willful oppression under 26 USC 7214(a)(1) and with an intent to make an opportunity for a person to defraud the United States under 26 USC 7214(a)(5).

105. A declaratory judgment that federal agents have acted in their own political self-interest by shielding an attorney / party boss, who has violated state finance campaign laws, and to refer this matter to the Inspector General for Tax Administration, as well as the Director of Professional Conduct at the US Department of Justice for a criminal inquiry.

106. A declaratory judgment that Empire Blue Cross - Blue Shield Health Insurance Co. acted in an unprofessional, malicious, and conspiratorial manner with federal agents to greatly inflate the plaintiff's medical and prescription costs. Such conduct caused the plaintiff undue anxiety, and an emotional infliction of undue distress. For these damages, the plaintiff asks the court for a monetary award of \$5,000 for reimbursement for his pain and suffering, and \$2,000 for the reimbursement of unnecessary and excessive costs.

Dated: June 7, 2023

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Martin L. Cohen", written over a horizontal line.

Martin L. Cohen, pro se  
Plaintiff